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C O N F I D E N T I A L SECTION 01 OF 04 NEW DELHI 006596

SIPDIS

STATE FOR S/CT

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TAGS: [PTER](#) [PREL](#) [PGOV](#) [ASEC](#) [EAIR](#) [MOPS](#) [KSAC](#) [IN](#) [PK](#)

SUBJECT: TOUGH NEW ANTI-HIJACKING POLICY, AT LEAST ON PAPER

REF: A. NEW DELHI 5165

[B](#). 04 NEW DELHI 5611

[C](#). 04 NEW DELHI 5387

Classified By: A/DCM Geoff Pyatt for Reasons 1.4 (B, D)

[1](#)1. (C) Summary: To break with earlier ad hoc practices -- many of which yielded disastrous results -- the GOI recently unveiled India's first formal anti-hijacking policy and streamlined bureaucratic procedures in the event of a successful hijacking in Indian airspace. The Indian Air Force (IAF) is now allowed to counter a 9/11-like attempt to use aircraft as weapons of mass destruction by shooting them down, and negotiators are restricted in what they can offer terrorists in a hostage situation. The long-awaited policy reflects lessons learned from the 1999 hijacking of Indian Airlines flight IC-814 (Ref C), which ended with the GOI releasing notorious terrorists from its jails, and sends a tough message to would-be hijackers. The policy has so far attracted little criticism, except from opposition politicians who argued that Parliament should have been informed before the press. What remains to be seen, however, is whether this or successor governments can live up to the high standards now set. End Summary.

Empowers Airport Officials to Ground Planes  
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[1](#)2. (C) The new policy pushes some decisions down to the operational level. For example, airport personnel are authorized to block any grounded hijacked plane from taking off. Noted terrorism expert Ajai Sahni observed that empowering first responders in this way means local officials who are not in a position to offer significant concessions will bear a big responsibility. He added that keeping aircraft grounded limits the terrorists' options, and recalled that two hijackings in Amritsar by Khalistani terrorists in the early 1990s were resolved swiftly after the planes were immobilized on orders from the Punjab police.

[1](#)3. (U) The authority to order National Security Guard (NSG) commandos to storm a grounded plane rests with the Cabinet Committee on Security (CCS). However, as a standing order, the commandos would be assembled within two hours of a determination of hijacking and would accompany the GOI negotiating team to the site.

IAF Can Shoot Down Suspect Planes  
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[1](#)4. (U) A plane's pilot is responsible for keeping to a designated flight path, responding to orders from air traffic controllers (ATC) and IAF communications, maintaining the plane's transponder, and avoiding "erratic behavior" near high value targets such as "strategic buildings, thickly populated areas, and nuclear installations." The policy sets forth the following plan of action:

-- Doubtful aircraft: A plane that deviates from its course, does not respond to the ATC, and has a non-responsive transponder. The ATC informs the IAF Joint Control and Analysis Center (JCAC) while trying to contact the pilot.  
-- Rogue aircraft: A doubtful aircraft that ignores repeated ATC directions, turns off its transponder, and refuses to answer radio calls. (Note: Pilots are required to have secondary communications, such as satellite phones, as back-up to their on-board communications. End Note.) The JCAC alerts the IAF operations wing, which decides whether to scramble fighters to escort the plane. The ATC notifies the Committee of Secretaries on Aircraft Hijack (COSAH), which convenes under the Director General of Civil Aviation and acts as the crisis management group under the CCS.

-- Threat aircraft: A rogue aircraft that continues to ignore ATC directions and those of IAF pilots, and whose flight path appears in line with a high value target. IAF HQ determines if a plane is a threat aircraft.

[1](#)5. (U) The fighter escorts for any hijacked plane are directed to force it to land at the nearest airport. However, a plane must be designated as a threat aircraft before the CCS can order the IAF to shoot it down. If the a decision is required before the CCS can convene, the PM, Defense Minister, or Home Minister can issue the order. For

hijackings during take-off or landing -- when the window for reaction is particularly small -- senior IAF officers are authorized to give the shoot-down order.

#### Different Rules for Foreign Aircraft

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16. (U) The new policy makes some concessions for foreign aircraft:

-- The IAF is directed to prevent a hijacked foreign plane from entering Indian airspace or landing at an Indian airport, except in "unavoidable circumstances" such as it running low on fuel.

-- The GOI will coordinate with the appropriate country on how to proceed if a hijacked foreign plane is grounded. Airport personnel are not automatically empowered to immobilize foreign planes.

#### Limits for Negotiators

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17. (U) Negotiators now have a limit on what they are empowered to offer hijackers. The new policy permits negotiators to talk to hijackers to prevent loss of life and to end the hijacking incident, but they are not empowered to accede to their demands, including for the release of terrorists. The 1999 IC-814 hijacking ended with the release from Indian jails of three terrorists, including Jaish-e-Mohammad founder Masood Azhar and Omar Saeed Sheikh, who was later convicted of murdering Daniel Pearl.  
Muted Opposition by Tarnished BJP

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18. (U) The most vocal political opposition -- on procedure, not policy -- to the announcement was senior BJP leader Jaswant Singh, who grumbled that the PM should have consulted Parliament before the public announcement. In recent months, the UPA government has used IC-814 as a cudgel whenever the BJP has criticized its own counter-terrorism policies for being too soft on Musharraf.

#### No-Fly Zones Proposed for "Sensitive Venues"

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19. (U) A committee of security experts from the Home Ministry and the state of Uttar Pradesh, responding to the July 5 terrorist attack on the controversial Ayodhya shrine (Ref A), recommended that the MHA create no-fly zones around four historic/religious sites. These sites include the Taj Mahal, the Ram Temple/Babri Masjid in Ayodhya, and Hindu shrines in Mathura and Varanasi. The MHA has not yet announced a decision on this recommendation.

#### A Year in the Making

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10. (C) The GOI announced last fall that it was considering a new policy to deal with hostage situations, in response to the kidnapping of three Indian truck drivers in Iraq in summer 2004 (Ref B). This policy appears to be a subset of that effort. Our counterparts in the British High Commission tell us that their CT dialogue with New Delhi last year included discussions on London's hostage-taking policy. Nevertheless, the new policy came a full six years after Kandahar.

#### Some Operational Issues Unclear

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11. (C) A number of operational details have not yet been announced that will require coordination through the many parts of the Indian bureaucracy that have slices of this pie. We still seek from the bureaucracy:

-- More specifics on how the GOI will accommodate foreign aircraft, including if a foreign plane is hijacked while in Indian airspace.

-- What additional equipment or training Indian entities will require, and if there are opportunities for USG and American firms.

-- How first responders will prioritize between timeliness and seniority in trying to contact senior officials.

#### Comment: Now to Live Up to the Policy

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12. (C) The Indian press covered the policy's roll-out with sufficient fanfare to attract the attention of terrorist groups who would enjoy nothing better than to test the GOI to see if it has the resolve to stick to its no concessions line. The increase in air traffic between the US and India since the new Open Skies agreement, including upcoming

non-stop flights, as well as the political closeness between Washington and New Delhi in the minds of many South Asian terrorists and the large community of Indian-Americans, increases the possibility that a future Indian hijacking may include American hostages. If we have views on the GOI's new policy, the time to comment (in private) is now. End Comment.

13. (U) Visit New Delhi's Classified Website:  
(<http://www.state.sgov/p/sa/newdelhi>)  
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